

FILE COPY
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TONER et al.

Serial No.: 09/425,289

Filed: October 25, 1999

For: EMBOLUS THERAPY USING INSOLUBLE MICROPARTICLES
OR VESICLES CONTAINING CONTRAST AGENTS

: Office of Initial Patent Examination

: Customer Service Center

RECEIVED

SEP 13 2000

TECH CENTER 1600/2300

REQUEST FOR CORRECTED FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants note that the Corrected Official Filing Receipt, copy attached, in the above-identified application still contains the following errors.

Specifically, the fourth inventor's name is misspelled, instead of "Gregory Lynn McIntire" it should be **GREGORY LYNN McINTIRE**.

Applicants still note that in the "Continuing Data as Claimed by Applicant", this application is **not** a 371, it is a **CONTINUATION** of PCT/GB98/01195, filed April 24, 1998.

Also, there is no reference to the Foreign Applications which include: **GB 9708250.7, filed 24 April 1997 and GB 9725007.0, filed 26 November 1997.**

Attached is a copy of the Declaration as filed with the errors highlighted. The errors therefore are believed to be chargeable to the USPTO, and therefore no fee is required.

However, if any fees are deemed necessary, they may be charged to Deposit Account #02-0200. A duplicate of this request is enclosed.

Serial No. 09/425,289

Accordingly, it is respectfully requested that the USPTO data base for this application be corrected and a CORRECTED Filing Receipt be issued for this application and forwarded to the undersigned as soon as possible.

Respectfully submitted,

BACON & THOMAS, PLLC

By: Richard E. Fichter
Richard E. Fichter
Registration No. 26,382

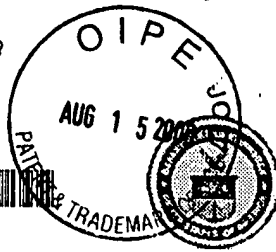
625 Slaters Lane, 4th Fl.
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080

REF/kdd
2ndREQUESTFORCOR-OFR.PTO.wpd

August 15, 2000

DEHN No 49
CORRECTED FILING RECEIPT

OC00000005302152

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**Address: ASSISTANT SECRETARY AND
COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
--------------------	-------------	--------------	---------------	-----------------	----------	------------	------------

09/425,289

10/25/1999

1616

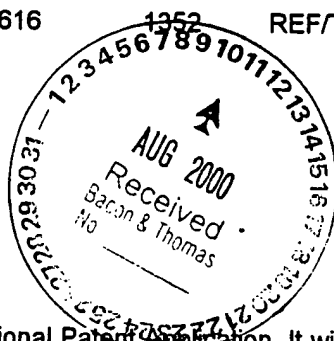
1352

REF/TONER/19

8

37

5

BACON & THOMAS PLLC
625 SLATERS LANE 4TH FLOOR
ALEXANDRIA, VA 223141176**RECEIVED**
SEP 13 2000
TECH CENTER
Date Mailed: 08/07/2000
1600/2800

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John Luke Toner, Libertyville, IL ;
 Gerald Lee Wolf, Winchester, MA ;
 Daryl Michael Simmons, Niantic, CT ;
 Gregory Lynn McIntire, Westchester, PA ; GREGORY LYNN MCINTIRE
 Edward Richard Bacon, Audobon, PA ;
 Kathleen Illig, Phoenixville, PA ;

C ntinuing Data as Claimed by Applicant

NOT 371 This application is a CONTINUATION OF
 THIS APPLICATION IS A 371 OF PCT/GB98/01195 04/24/1998
 AND CLAIMS BENEFIT OF 60/057,073 08/27/1997 PCT/GB98/01195 4/24/98

Foreign Applications

GB 9705250.7 filed 24 April 1997
 GB 9725007.0 filed 26 November 1997
 If Required, Foreign Filing License Granted 11/16/1999

Title

EMBOLUS THERAPY USING INSOLUBLE MICROPARTICLES OR VESICLES CONTAINING
 CONTRAST AGENTS

Preliminary Class

424

FILE COPY

Bib Data Sheet

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER 09/425,289	FILING DATE 10/25/1999 RULE -	CLASS 424	GROUP ART UNIT 1616	ATTORNEY DOCKET NO. REF/TONER/19
APPLICANTS John Luke Toner, Libertyville, IL ; Gerald Lee Wolf, Winchester, MA ; Daryl Michael Simmons, Niantic, CT ; Gregory Lynn McIntire, Westchester, PA ; Edward Richard Bacon, Audobon, PA ; Kathleen Illig, Phoenixville, PA ;				
** CONTINUING DATA ***** THIS APPLICATION IS A 371 OF PCT/GB98/01195 04/24/1998 AND CLAIMS BENEFIT OF 60/057,073 08/27/1997				
** FOREIGN APPLICATIONS ***** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 11/16/1999				
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance		STATE OR COUNTRY IL	SHEETS DRAWING 8	TOTAL CLAIMS 37
Verified and Acknowledged Examiner's Signature _____ Initials _____		INDEPENDENT CLAIMS 5		
ADDRESS BACON & THOMAS PLLC 625 SLATERS LANE 4TH FLOOR ALEXANDRIA ,VA 223141176				
TITLE EMBOLUS THERAPY USING INSOLUBLE MICROPARTICLES OR VESICLES CONTAINING CONTRAST AGENTS				
FILING FEE RECEIVED 1352	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit	

ATTORNEY/DOCKET NO: RBP/TONR/195

DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled:

EMBOLUS THERAPY USING INSOLUBLE MICROPARTICLES OR VESICLES CONTAINING CONTRAST AGENTS
 (the specification of which (Attorney Docket RBP/Toner/195) (check one):

☐ is attached hereto, or ☒ was filed on: 24 April 1998 as PCT International Application Number: PCT/GB98/01195

and (if applicable) was amended on: July 13, 1999

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56. I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

PRIORITY FOREIGN APPLICATION(S)			PRIORITY CLAIMED	
Number	Country	Day/Month/Year Filed	Yes	No
9708250.7	GB	24 April 1997	X	
9725007.0	GB	26 November 1997	X	

☐ Additional Priority Application(s) Listed on Following Page(s)

I HEREBY CLAIM THE BENEFIT UNDER TITLE 35 U.S. CODE §119(E) OF ANY U.S. PROVISIONAL APPLICATIONS LISTED BELOW.	
Application Number	Day/Month/Year Filed
60/057,073	27 August 1997

☐ Additional Provisional Application(s) Listed on Following Page(s)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating The United States of America listed below and, insofar as the subject matter of each of the claim of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.5 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Number	Filing Date	Status - Patented, Pending or Abandoned
PCT/GB98/01195	April 24, 1998	Pending

☐ Additional US/PCT Priority Application(s) listed on Following Page(s)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and to make so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: I (We) hereby appoint as my (our) attorneys, with full powers of substitution and reversion, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: J. Ernest Kenney, Reg. No. 19,179; Eugene Mar, Reg. No. 25,893; Richard B. Pichner, Reg. No. 26,382; Charles R. Wolfe, Jr., Reg. No. 28,680; Thomas J. Moore, Jr., Reg. No. 28,974; Joseph DeBenedictis, Reg. No. 28,502; Benjamin E. Urcin, Reg. No. 38,805; and

I(we) authorize my(our) attorneys to accept and follow instructions from FRANK B. DAHN & CO. regarding any matter related to the preparation, examination, grant and maintenance of this application, any continuation, continuation-in-part or divisional filed thereon, and any patent resulting therefrom, until I(we) or my(our) assigns withdraw this authorization in writing.

Send correspondence to: **BACON & THOMAS**
 625 Sisters Lane - 4th Floor
 Alexandria, VA 22314-1176

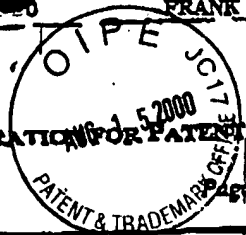
Telephone Calls to: (703) 683-0500

FULL NAME OF FIRST OR SOLE INVENTOR John Luke TONER	CITIZENSHIP United States of America
RESIDENCE ADDRESS Abbott Laboratories, 100 Abbott Park Road 84 Fairway Abbott Park, IL 60064 Libertyville, IL 60048	POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW
DATE 5/13/00	SIGNATURE <i>John L. Toner</i>

☒ See following page(s) for additional joint inventors.

11/05 '00 10:17 FAX 020 7208 0100

FRANK B. DEHN



CONTINUATION OF DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY

ATTORNEY/DOCKET NO: REP/TORCH/198

FULL NAME OF JOINT INVENTOR Gerald Lee WOLF	CITIZENSHIP United States of America
RESIDENCE ADDRESS 5 Hawthorne Rd Genetic Imaging and Pharm. Research, 149-15th Street, 1492330 Charlottesville, MA 02129-2060 Winchester, MA 01890	POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW
DATE 5/16/00	SIGNATURE Gerald Lee Wolf by John L. Foner

FULL NAME OF JOINT INVENTOR Daryl Michael SIMMONS	CITIZENSHIP United States of America
RESIDENCE ADDRESS 15 Bayview Rd Smith-Cline Beecham, 1360 E. Collegeville Road Collegeville, PA 19426 Niantic, CT 06357	POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW
DATE 5/16/00	SIGNATURE Daryl Michael Simmons by John L. Foner

FULL NAME OF JOINT INVENTOR Gregory Lynn MCINTIRE	CITIZENSHIP United States of America
RESIDENCE ADDRESS 113 Piedmont Rd Nycomed American Imaging, 466 Devon Park Drive P.O. Box 6630, Wayne, PA 19087-8630 Westchester, PA 19382	POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW
DATE 5/16/00	SIGNATURE Gregory Lynn McIntire by John L. Foner

FULL NAME OF JOINT INVENTOR Edward Richard BACON	CITIZENSHIP United States of America
RESIDENCE ADDRESS 1006 Skyline Circle Nycomed American Imaging, 466 Devon Park Drive P.O. Box 6630, Wayne, PA 19087-8630 Audubon, PA 19443	POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW
DATE 5/16/00	SIGNATURE Edward Richard Bacon by John L. Foner

FULL NAME OF JOINT INVENTOR Kathleen ILLIO	CITIZENSHIP United States of America
RESIDENCE ADDRESS 25 Jonathan Drive Nycomed American Imaging, 466 Devon Park Drive P.O. Box 6630, Wayne, PA 19087-8630 Phoenixville, PA 19460	POST OFFICE ADDRESS IS THE SAME AS RESIDENCE ADDRESS UNLESS OTHERWISE SHOWN BELOW
DATE 5/16/00	SIGNATURE Kathleen Illio by John L. Foner

See following pages for additional joint inventors/priority applications.